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Attorneys for Defendant
CAESARS ENTERPRISE SERVICES, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAVID LOFTIS, an individual,
Plaintiff,

vs.

CAESARS ENTERPRISE SERVICES,
LLC a/k/a and d/b/a CAESARS
ENTERPRISE SERVICE, LLC, a Limited
Liability Company;
EMPLOYEE(S)/AGENT(S) DOES I-X;
and ROE CORPORATIONS XI-XX,
inclusive,

Defendant.

Case No. 2:16-cv-02415

**NOTICE TO FEDERAL COURT OF
REMOVAL OF CIVIL ACTION FROM
STATE COURT**

TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA:

NOTICE IS HEREBY GIVEN that Defendant Caesars Enterprise Services, LLC ("Defendant") hereby removes the above-entitled action from the Eighth Judicial District Court in and for the County of Clark, State of Nevada, to the United States District Court for the District of Nevada pursuant to 28 U.S.C. §§ 1331, 1441(a) and (c), and 1446. This removal is based upon federal question jurisdiction and is timely.

In support of this Notice of Removal, Defendant states to the Court as follows:

1. On September 8, 2016, an action was commenced in the Eighth Judicial District Court in and for the County of Clark, State of Nevada, entitled *David Loftis v. Caesars Enterprise*

1 *Services, LLC, et al.*, Case Number A-16-743149-C. A true and correct copy of Plaintiff's
2 Complaint is attached hereto as **Exhibit A**.

3 2. On September 9, 2016, Plaintiff filed a Jury Demand, a true and correct copy of
4 which is attached as **Exhibit B**.

5 3. On September 9, 2016, Plaintiff filed an Amended Complaint, a true and correct copy
6 of which is attached as **Exhibit C**.

7 4. On October 7, 2016, Plaintiff filed a Notice of Affidavit of Service, a true and correct
8 copy of which is attached as **Exhibit D**.

9 5. The first date upon which Defendant received a copy of Plaintiff's Complaint was
10 September 27, 2016, when a copy of the Amended Complaint was served upon the registered agent
11 for Defendant. A true and correct copy of Service of Process is attached as **Exhibit E**. As such,
12 removal is timely as it is being effectuated within thirty (30) days after Defendant's registered agent
13 received a copy of the initial pleading and summons. 28 U.S.C. § 1446(b).

14 6. Plaintiff's Complaint alleges a claim and facts that necessarily attempt to state a claim
15 for relief based upon federal law. Specifically, Plaintiff's first and fifth causes of action allege
16 violations of the Americans with Disabilities Act, 42 U.S.C. §12101, *et seq.* See, Amended
17 Complaint at ¶¶2, 12, 14, 32-33, 52-65, 105-119. Additionally, Plaintiff's fourth cause of action
18 alleges a violation of the Fair Labor Standards Act, 29 U.S.C. §201, *et. seq.* See, Amended
19 Complaint at ¶¶2-3, 14-16, 87-104.

20 7. Accordingly, this action is a civil action for which this Court has original jurisdiction
21 under 28 U.S.C. § 1331, which provides that United States "district courts shall have original
22 jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."
23 Because Plaintiff is asserting a claim arising under federal law, this action may be removed to this
24 court pursuant to the provisions of 28 U.S.C. § 1441(a). Additionally, this Court has supplemental
25 jurisdiction over Plaintiff's claims asserted under state law pursuant to 28 U.S.C. §§ 1367(a) and
26 1441(c).

27 8. Venue is proper in this Court as this is the court for the district and division
28 embracing the place where the action is pending in state court, in accordance with 28 U.S.C. §§ 108

1 and 1441(a).

2 9. Pursuant to 28 U.S.C. § 1446(d), Defendant will provide Plaintiff with notice of the
3 filing of this Notice of Removal, and will file a copy of this Notice of Removal with the Clerk of the
4 Eighth Judicial District Court of the State of Nevada.

5 WHEREFORE, Defendant prays that the above-referenced action now pending against it in
6 the Eighth Judicial District Court in and for the County of Clark, State of Nevada, be removed
7 therefrom to this Court.

8 Dated: October 17, 2014

9
10 /s/

11 Patrick H. Hicks
12 Sandra Ketner
13 LITTLER MENDELSON, P.C.

14 Attorneys for Defendant
15 CAESARS ENTERPRISE SERVICES, LLC

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